

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JOHN JOHNSTON §
v. § CIVIL ACTION NO. 6:11CV638
COMMISSIONER, SOCIAL SECURITY §
ADMINISTRATION §

ORDER ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the Commissioner's Motion to Dismiss, construed as a Motion for Summary Judgment, be granted and the action be dismissed with prejudice. Plaintiff filed no opposition to the motion and no written objections have been filed to the Report and Recommendation. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

In light of the foregoing, it is

ORDERED that the Commissioner's Motion to Dismiss (docket entry #9), construed as a Motion for Summary Judgment, is hereby **GRANTED**. It is further

ORDERED that Plaintiff's complaint is hereby **DISMISSED WITH PREJUDICE**. It is finally

ORDERED that any motion not previously ruled on is **DENIED**.

It is SO ORDERED.

SIGNED this 9th day of March, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE